

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Ellis, *et al.*

CONFIRMATION NO: 1887

APPLICATION NO: 10/530,234

INTERNATIONAL APPLICATION NO: PCT/EP03/11725

INTERNATIONAL FILING DATE: 10/23/2003

FOR: COT102 Insecticidal Cotton

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 35 USC § 1.97(d)

Sir:

A Notice of Allowance for the above-identified application was mailed by the Office on June 18, 2007. The due date for paying the issue fee is September 18, 2007. To date, the issue fee has not been paid.

On July 26, 2007 the undersigned agent received notification that the India Patent Office had cited four references against a counterpart application (See Exhibit A; Email from European agent dated July 26, 2007). The notification was received by the undersigned agent after the Notice of Allowance was mailed.

In accordance with the duty of candor under 37 C.F.R. § 1.56 to identify to the Patent and Trademark Office information known to Applicants or representatives for Applicants that are or may be material to the patentability of the claimed invention, and pursuant to 37 C.F.R. § 1.97(d)(1) and (2), Applicants and agent for Applicants submit herewith references AH-AK, listed on the attached Form PTO-1449. Copies of the listed references are enclosed.

Reference AH is a European Patent Application disclosing a method for inserting a *Bacillus thuringiensis* δ -endotoxin gene into a plant genome using *Agrobacterium*-mediated transformation. The undersigned agent states that this reference was first cited by the India Patent Office in a counterpart foreign application on May 14, 2007, which is not more than three months prior to the filing of this information disclosure statement. A copy of the India Office Action is attached as Exhibit B. Therefore, Applicants respectfully submit that this reference qualifies for consideration under 37 C.F.R. § 1.97(d)(1).

Reference AI is a scientific publication disclosing a set of transformation vectors, promoter cassettes, and chimeric antibiotic-resistance genes for the transformation and expression of foreign genes in plants sensitive to *Agrobacterium* infection. The undersigned agent states that this reference was first cited by the India Patent Office in a counterpart foreign application on May 14, 2007, which is not more than three months prior to the filing of this information disclosure statement. A copy of the India Office Action is attached as Exhibit B. Therefore, Applicants respectfully submit that this reference qualifies for consideration under 37 C.F.R. § 1.97(d)(1).

Reference AJ is a scientific publication disclosing a general method of transforming cotton using *Agrobacterium*-mediated transformation. Transformed plants were selected on antibiotic medium and were shown to express the selectable marker. The undersigned agent states that this reference was first cited by the India Patent Office in a counterpart foreign application on May 14, 2007, which is not more than three months prior to the filing of this information disclosure statement. A copy of the India Office Action is attached as Exhibit B. Therefore, Applicants respectfully submit that this reference qualifies for consideration under 37 C.F.R. § 1.97(d)(1).

Reference AK is a summary of a presentation made at the Beltwide Cotton Conference in 1998 disclosing the efficacy of transgenic cotton plants expressing lectin genes against the insect cotton pest *Heliothis virescens*. The undersigned agent states that this reference was first cited by the India Patent Office in a counterpart foreign application on May 14, 2007, which is not more than three months prior to the filing of this information disclosure statement. A copy of the India

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Confirmation No.
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AH	EP 0142924	09/24/84	EPO	C12N 15/00		<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

AI	Rothstein, Steven J., et al., <i>Promoter cassettes, anti-biotic-resistance genes, and vectors for plant transformation</i> . Gene (1987) 53: 153-161.
AJ	Umbeck, P., et al., <i>Genetically transformed cotton (Gossypium hirsutum L.) plants</i> . Biotechnology (1987) 5:263-266.
AK	Rajguru, S. N., et al., <i>Mus musculus clone RP24-21711, Working draft sequence, 4 unordered pieces</i> , Database accession no. AC120146

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.